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**UNDER SEAL**

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

18 UNITED STATES OF AMERICA, *ex rel.* )  
"DOE," *et al.*, ) Case No.: 2:15-cv-1919-JCM-GWF  
19 Plaintiffs, )  
20 v. ) FILED *EX PARTE*  
21 DR. VENKATCHALAM VEERAPPAN, *et* ) AND UNDER SEAL  
*al.*, )  
22 Defendants. )

**UNITED STATES' AND STATE OF NEVADA'S NOTICE OF  
ELECTION TO DECLINE TO INTERVENE**

1 Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B) and the Nevada False Claims  
2 Act, N.R.S. § 357.130, the United States and the State of Nevada (the Governments) notify the Court  
3 of their decision not to intervene in this action.  
4

5 Although the Governments decline to intervene, we respectfully refer the Court to 31 U.S.C.  
6 § 3730(b)(1) and N.R.S. 357.130(1), which allow the relator to maintain the action in the name of  
7 the United States and the State of Nevada, respectively; providing, however, that as to the United  
8 States, the "action may be dismissed only if the court and the Attorney General give written consent  
9 to the dismissal and their reasons for consenting." *Id.* The United States Court of Appeals for the  
10 Ninth Circuit has held that, notwithstanding this language, the United States has the right only to a  
11 hearing when it objects to a settlement or dismissal of the action. *United States ex rel. Green v.*  
12 *Northrop Corp.*, 59 F.3d 953, 959 (9th Cir. 1995); *United States ex rel. Killingsworth v. Northrop*  
13 *Corp.*, 25 F.3d 715, 723-25 (9th Cir. 1994). Therefore, the United States requests that, should either  
14 the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued,  
15 this Court provide the United States with notice and an opportunity to be heard before ruling or  
16 granting its approval.  
17

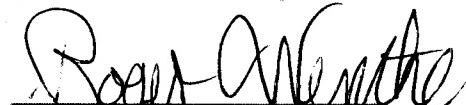
18 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3) and N.R.S. § 357.130(1), the Governments  
19 request that all pleadings filed in this action be served upon the Governments; the Governments also  
20 request that orders issued by the Court be sent to the Governments' counsel. The Governments  
21 reserve their right to order any deposition transcripts, to intervene in this action, for good cause, at a  
22 later date, and to seek the dismissal of the relator's action or claim. The Governments also request  
23 that they be served with all notices of appeal.  
24

Finally, the Government's request that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The Government's request that all other papers on file in this action remain under seal because in discussing the content and extent of the Government's investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: April 27, 2016

DANIEL G. BOGDEN  
United States Attorney

  
By: ROGER W. WENTHE  
Assistant United States Attorney

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Nevada Attorney General

  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

2 UNITED STATES OF AMERICA, *ex rel.* )  
"DOE," *et al.*, ) Case No.: 2:15-cv-1919-JCM-GWF  
3 )  
4 Plaintiffs, )  
5 ) FILED *EX PARTE*  
6 v. ) AND UNDER SEAL  
7 DR. VENKATCHALAM VEERAPPAN, *et* )  
*al.*, )  
8 Defendants. )

## **ORDER**

The United States and the State of Nevada having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and the Nevada False Claims Act, N.R.S. § 357.130, the Court rules as follows:

**IT IS ORDERED** that,

1. The complaint be unsealed and served upon the defendant by the relator;
  2. All other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and The Notice of Election to Decline Intervention, which the relator will serve upon the defendant only after service of the complaint;
  3. The seal be lifted as to all other matters occurring in this action after the date of this Order;
  4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3), and upon the State of Nevada, as provided for in N.R.S. § 357.130(1). The United States or the State of Nevada may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. The parties shall serve all notices of appeal upon the United States and the State of Nevada:

6. All orders of this Court shall be sent to the United States and the State of Nevada; and that

7. Should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will provide the United States and the State of Nevada with notice and an opportunity to be heard before ruling or granting its approval.

**IT IS SO ORDERED.**

DATED this 29th day of April, 2016.

George Foley, Jr.  
GEORGE FOLEY, JR.  
United States Magistrate Judge